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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,232	10/16/2003	Jay T. Stewart	JT001	2468

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EXAMINER

TANG, SON M

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/688,232	Applicant(s) STEWART, JAY T.	
	Examiner Son M Tang	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claimed limitation of claims 3-4 and 12 “wherein said output inhibit circuit is deactivated if said output inhibit initiator is selected while said output inhibit circuit is activated” is not disclose in the original spec. Applicant please provide further define.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 7, 10-11, 14, 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Landa [US 2003/0231778].

Regarding to claims 1, 10, 14, 16, 18 and 20 : Landa discloses a child monitoring device comprising:

-a detect sound transmitter 10;

-a receiver 20, includes a speaker 30 to reproduce sounds and an output inhibit initiator 40, to activate output inhibit circuit, which inheres in the system to reduce the output of said speaker for a predetermined period of time [see Fig. 1 and Abstract and ¶ 0015].

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Regarding to claims 2, 11 and 19: Landa discloses an output inhibit time selector to select plurality of selectable times [see ¶ 0027].

Regarding to claim 7: Landa discloses wherein said output inhibit initiator comprises a momentary pushbutton switch [¶ 0015].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landa.

Regarding to claims 6: Landa disclose all the limitation as described in claim above, except for specifically discloses that predetermined period of time is set to a period of time from 5 to 60 minutes in length. Landa has stated that muted period can be adjust by caretaker [see ¶ 0026], therefore it would have been obvious that predetermined period could be set as user designs included 5 to 60 minutes in length.

Regarding to claims 8, 17: Landa disclose all the limitation as described in claim above, except for specifically discloses signal frequencies range of 88 to 108 MHz and 5.3 to 16 KHZ. As long as, the receiver is being received signal, employing any frequency range to achieve the same purpose it not constitute of inventive step, but it obvious of matter of design choice.

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6. Claims 3-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landa in view of Kagawa et al. [US 4,751,735; Kagawa].

Regarding to claims 3-4 and 12: Landa disclose all the limitation as described in claim above, except to specifically discloses that output inhibit circuit is deactivated if said output inhibit initiator (button) is selected while said output inhibit circuit is activated. Kagawa teaches the well known use of a “cancel” function for a mute switch by operating the mute switch to off while muting, [see col. 2, lines 49-55]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to combine the mute cancellation feature as taught by Kagawa with the mute button function of Landa, so the user can choose to cancel the mute function with the mute button.

7. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landa in view of Delmege et al. [US 4,850,011; Delmege].

Regarding to claims 9 and 15: Delmege further teaches a muted indicator [see col. 6, lines 56], which constitutes of an output inhibit indicator. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to use an output inhibit indicator of Delmege in Landa to provide user awareness of the muting operations.

Allowable Subject Matter

8. Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Landa shows that during the muted period pressed muted button have no effect, therefore it have no motivate to combine the restart time period feature.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newman et al. [US 5,708,970], Hughes et al. [US. 3,909,727], McNulty [US 6,329,924], Iida [US 5,758,292] and Knoedler et al. [US 5,210532].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


BENJAMIN Q. LEE
PRIMARY EXAMINER